

PLANNING BOARD MEETING

August 8, 2016

Auditorium – 7:00 p.m.

62 Friend Street

Amesbury, MA 01913

ATTENDANCE: David Frick, Robert Laplante, Scott Mandeville, Lars Johannessen, Karen Solstad, Ted Semesnyei, Lorri Krebs

**Also in attendance: Nipun Jain, City Planner and Barbara Foley, recording secretary.
Minutes transcribed by: Joan Baptiste**

MINUTES: July 25, 2016 - Motion by Robert Laplante to approve the minutes with noted corrections, second by Lars Johannessen. AIF

SIGN APPLICATION(S):

Guaranteed Fitness & Body Works, 18 Millyard, Unit #2, Amesbury, MA Owner: Michelle Baker – D/B/A
Guaranteed Fitness – Sign Contractor: Brother’s Sign Company

David Frick recuses himself as he is an abutter. Turns the meeting over to the vice chair Ted Semesnyei.

Michelle Baker: Amesbury Landing owner of Guaranteed Fitness

Lars Johannessen: The DRC reviewed the sign application.

Scott Mandeville: The DRC has a couple of comments. The way the sign projects out it actually extends past the edge of the roof which we felt could be problematic with snow. And the height – the sign needs to be a minimum distance from the ground. We recommend that instead of projecting out from the building you mount it flat on the building and we feel that it might read better if it didn’t have the “love your body” on the bottom.

Michelle Baker: Do you need me to have the sign maker redo the sign design?

Scott Mandeville: Redo the rendering and show placement of the sign and re-submit it to the office for DRC to take another look.

Motion by Robert Laplante to approve the sign subject to DRC comments and resubmit for review by DRC, second by Lars Johannessen. AIF

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David Frick resumes the chair.

CON’T PUBLIC HEARING(S):

28 Lake Attitash Road – Special Permit Appl. – Water Resources Protec. Dist. Applicant: George and Kelly Norwood Representative: Healey, Deshaies, Gagliardi & Woelfel, P.C. (P. Gagliardi)

Nipun Jain: At last meeting we spent a lot of time discussing the permit and the review criteria and a draft decision has been prepared.

John Paulson, Atlantic Engineering, Georgetown MA. 1.) On page 4 of the decision in Item 4, #5 last sentence “no portion of the car port shall be enclosed or covered”. The car port has a roof. If that could be amended to remove the word “covered.”

Lars Johannessen: I disagree. If you cover it, it becomes impervious.

John Paulson: All of the roof water from the garage and carport and infiltrating it. It’s not even hitting the ground. Underneath the carport is pervious pavers. 2.) On page 5, #6 it has a bond mentioned. Is there an amount?

Nipun Jain: It is based upon the amount of disturbance. \$0.25 times per square foot of the area of disturbance.

John Paulson: 3.) Page 6, talks about stockpiles. “not less than 50 from the edge of the environmental resource boundaries” which is almost off site.

Scott Mandeville: Would it be more appropriate to say nothing within the resource protection area?

Nipun Jain: What would you suggest?

John Paulson: I would say nothing within 50 feet of the edge of the lake. There is a 35 foot set back. There will be no need to store anything beyond the end of the day.

Nipun Jain: We refer to trash, demolition materials, etc. This is such a small site. Here’s a solution “from the edge of the environmental boundary defined herein as the edge of the lake due to site restrictions.”

Karen Solstad: I would revise that so there is no stockpile of demolition materials on the Thursday prior to a long weekend.

Motion by Robert Laplante to approve the draft decision for the special permit – Water Resource Protection District for 28 Lake Attitash Road with the amendments as discussed which are: last word on paragraph 4, #5 “or covered” be struck, page 6 #1 stockpiles should read “all stockpiles that are established in locations as approved by the ACC.” And add “Due to site constraints stockpiles may be established at a distance no less than 50 feet from the edge of the environmental resource boundaries defined herein as the edge of the lake provided these stockpiles are removed within 48 hours of each occurrence.”

This paragraph is amended to add a second sentence which reads “For temporary purposes, stockpiles may be established between 50 and 100 feet provided those stockpiles are removed within 48 hours of each occurrence. Second by Ted Semesnyei. AIF

Motion by Lars Johannessen to close the public hearing, second by Ted Semesnyei. AIF

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***NEW PUBLIC HEARING(S)*:**

28 Lake Attitash Road – Special Permit Appl. – Wetlands and Flood Plain Applicant: George and Kelly Norwood Representative: Healey, Deshaies, Gagliardi & Woelfel, P.C. (P. Gagliardi)

The application has been **withdrawn without prejudice** due to no activity to occur within the wetland boundaries.

Motion by Scott Mandeville to accept the withdrawal and refund the application fee (\$500) to the applicant, second by Lars Johannessen. AIF

31 Newton Road – Special Permit Application Owner: Sean and Hannah Stellmach Representative: W.C. Cammett Engineering/Robert Blanchette, P.E.

Public hearing is opened and the legal notice is read aloud.

David Frick: I have filed an appearance of conflict of interest on this matter with the clerk. I feel that I can conduct myself in an impartial manner.

Robert Laplante: I have also filed an appearance of conflict of interest as required under the state ethics commission. I will have no problem with making a decision.

Robert Blanchette, Director of Engineering, Cammett Engineering:

We are proposing a single family home on Newton Road. The parcel is located within the Water Resource Protection District which requires Special Permit approval. We have submitted storm water calculations showing that we are mitigating storm water on site. Collecting the storm water off impervious areas and treating it, infiltrating it and controlling the release for large storms. There is one potential element that needs to be vetted out. There is a drainage ditch along the north side and flows west to east. It is not a wetland, we didn't find hydric soils. However, we are going to send a wetland scientist out to confirm it.

There are two comments from Peter Manor (City Engineer). He wants to see the foundation drain and we are to provide erosion control along the roadway to prevent any soil or construction debris making its way into the ditch.

David Frick: Which way does the land slope?

Robert Blanchette: From Newton Road it slopes up at about 20%.

David Frick: Where is the lake in relation to the property?

Robert Blanchette: Lake is over here (points to plan). This parcel is within Zone B of the Water Resource Protection District overlay. There is an IWPA across the street.

Nipun Jain: Given the small nature of the project there will not be any major impact as far as accessibility or traffic. The Board of Health will be in charge of the septic system. The Con Com has indicated to the applicant to verify if there are any hydric soils or wetlands. The only issue that the Planning Board has to look at in any great detail would be the storm water aspect as it relates to the project.

Lars Johannessen: We need to authorize a peer review.

Robert Blanchette: As far as storm water, Woody Cammett has provided his seal on the documents which includes the entire storm water management. This system provides storm water run off control and infiltration. The driveway run off will be collected into a sediment forebay. The roof run off is collected in gutters and downspouts and channeled into an underground infiltration system. Any overland flow will make its way into a forebay or the wet basin. The operations and management procedures provide direction for the homeowner to inspect the system, clean the system.

Nipun Jain: Do you have a written response to Peter's (Manor) comments?

Robert Blanchette: I have several copies (distributes).

Nipun Jain: You will still provide some information to the board.

Robert Blanchette: There will be a set of revised plans and supporting documents.

Lorri Krebs: Do you have house elevations so we can see the size of the house?

David Frick: It says 1,720 square feet in legal notice.

Sean Stellmach, 23 Spindletree Road: The garage is a drive under garage not living area so it wouldn't be included in the sq. footage of the house.

Scott Mandeville: Do we need to do a Stantec review for storm water calcs?

Karen Solstad: Since it's in the wetlands protection district.

Nipun Jain: The standard procedure required under the section that any application received by the board is distributed to various city departments for comment. It does not necessarily mean that they will review all of the

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engineering details associated with the application. If you look at your own review consultants recommendations they are more detailed than what you would receive from the city depts. because it is for the whole gamut of performance standards and criteria that are stated in the zoning by law.

Motion by Scott Mandeville direct staff to write a draft decision, send the project to Stantec to review storm water calculations, verification from Peter Manor that he is satisfied with applicant engineer's response, and receive comments from a wetland scientist, and receive a rendering of the house, second by Lars Johannessen. AIF

Applicant's engineer is advised to communicate with Stantec.

Motion by Lars Johannessen to continue this item to the September 12 meeting, second by Ted Semesnyei. AIF

ADMINISTRATIVE:

77 Elm Street, Amesbury, MA Covenant; Minor Modification:

Nipun Jain: I have reviewed the memo and in my opinion the issue is minor. The addition to the original mill building and it is not structurally sound to be retained. And the approved site plan shows a elevator shaft right next to this addition. In order to install the elevator shaft at the approved location this addition needs to be taken down. The developer has indicated that he would like to take it down. It will not be replaced, it will remain open.

Lars Johannessen: Are they going to be digging beyond, towards the building?

Nipun Jain: They have to dig a little further to put in the elevator shaft.

Motion by Ted Semesnyei to accept the request as a minor modification, second by Lars Johannessen. AIF.

24 Pond View, 0 Summit Avenue – Village at Bailey's Pond Peer Review Contract Amendment:

This is a contract amendment. The peer reviewer has completed the scope of work for the original contract. There are still revisions being presented by the applicant. I have an amended contract in the amount of \$8,000.

Motion by Lars Joahnnessen to approve the amended contract, second by Scott Mandeville. AIF

19 Evans Place – Point Shore Meadows (Rick Saba) Covenant

Armand Hyatt, attorney for Rick Saba, developer of 19 Evans Place: You have before you a modification of covenant that was proposed by Kopelman & Paige. Attorney Klein. The association trust is being written. The deed restrictions have not yet been finalized. Attorney Klein suggested that we modify the covenant so that Mr. Saba would be prevented from selling any of the units or transfer to another developer until he completely complies to everything. We have to add the lot numbers 5, 7, 10 & 11 and possibly 6.

Nipun Jain: The covenant is being presented to you which is a modified covenant. The covenant does not release the lots but it does modify the existing restrictions of not being able to do anything on those lots. So by this modification the developer will be able to start building on these lots. However it would not allow the developer

to transfer the property – either the fee or the lot itself to another entity whether it's a developer or future homeowner. If the developer proceeds they would be proceeding at their own risk without having the lot released. That is the intent of the covenant. It is also to provide an incentive for the developer to urge him to complete all outstanding items at this time to get a full release of the lots in a timely manner.

David Frick: Has everyone had an opportunity to read Attorney Katherine Klein's email to Nipun of Friday August 5th? (all affirm) What I don't see in paragraph 3 is a list of the lots.

Nipun Jain: The reason why it was left blank is there is one additional lot that has been requested. The lots we want to enter into the document are 5, 6, 7, 10, and 11.

An update on the four outstanding items. Legal documents: Ms. Klein has provided comments to Attorney Hyatt and he has assured me that they will be addressed. Overall Grading Plan: Mr. Osgood did provide that this past Thursday and he has since then sent it to Stantec. He has also provided all the individual grading plans for the lots listed. There have been comments made by Stantec which is what was referenced here...that they will be addressed. Interim AsBuilts: They have been revised based on the comments from Stantec and I think today Mr. Osgood submitted his responses along with the revised as built plan as well. In my opinion I think we are at a point where I wouldn't say significant issues are outstanding but there are issues that need to be addressed. The board now has a better sense of what those issues are. Stantec has indicated what those issues are. I think the way the covenant has been presented we really are not releasing the lots, which is what the request is, you're just modifying the covenant to allow the developer to proceed. Your interests are being protected and in fact

David Frick: This document protects the city while allowing the developer to proceed with construction. I don't have any problem with it.

Karen Solstad: We keep on saying bring us the whole package and we just keep getting dribbles of it. Things get added to it and then it's a dribble.

Ben Osgood: When Rick asked me to do the as built plans we were so busy we couldn't do it. So we had way-point survey services do it. They did an as built plan but there were items on there that This project is moving, there are things being done even while the as built is going on. Now Stantec letter has three or four items that need to be located that were constructed since they did the survey. We've made all the corrections, I've submitted them. I re-did the drainage calculations, provided a summary. The ponds are a little bigger than designed so the drainage is...our peak flows have gone down since the original design.

Nipun Jain: Having a modified covenant gives the board the legal protection it needs in order to insure that things are being done.

Motion by Scott Mandeville to accept the amended covenant per the recommendation of Attorney Katherine Klein for lots 5, 6, 7, 10 and 11 of Point Shore Meadows, second by Lorri Krebs. AIF

Lars Johannessen: I have a question about Lot 12. Before it was uncovered we had infiltration, now we have a rock ledge. Has that been recalculated into the storm water management?

Ben Osgood: I did not but we were going to build a house and a driveway there so there is less impervious in the end. What happens to the ledge...we're working on that. I think some loam needs to be put back in some of the areas and plantings done. As part of the landscape plan it will have to be done in conjunction with Lot 11.

Karen Solstad: The storm water too, not just landscaping.

Ben Osgood: The restoration of the area needs to be designed and figured out. And then we can figure out the impact it has on the storm water.

Motion by Lars Johannessen to cancel the August 22 meeting, second by Scott Mandeville. AIF

Motion by Karen Solstad to adjourn at 9:30 p.m., second by Lars Johannessen. AIF